

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sacramento Regional Transit District for an order authorizing District to relocate, modify and maintain existing Power Inn Pedestrian Crossing #1 and #2, construct and maintain Coloma Pedestrian Crossing, Zinfandel Pedestrian Crossing #1 and #2, Cordova Town Center Pedestrian Crossing #1 and #2 and Sunrise Pedestrian Crossing across the Placerville Branch of the Union Pacific Railroad in the City and County of Sacramento, State of California.

Application 01-12-045
(Filed December 27, 2001)

O P I N I O N**Summary**

The Sacramento Regional Transit District (District) requests the authority to construct, modify, maintain, and operate a light rail passenger system and modify the Union Pacific Railroad's (UPRR) track across eight public at grade pedestrian-rail crossings (crossings) in the City and County of Sacramento. At two of the crossings the District will relocate the UPRR track, and consequently relocate the existing crossings to allow continued access to the existing light rail station. At five of the crossings the District will relocate the UPRR track and construct new crossings to allow access to new light rail stations. The District will also construct one new crossing across the UPRR and District tracks near Coloma Road to provide a safe crossing for this pedestrian route. Appendix A summarizes the crossing modifications and assigned, and proposed, California

Public Utilities Commission (CPUC) crossing numbers. A vicinity map of the project area is illustrated in Appendix B of this decision.

Discussion

The proposed project involves the modification of two crossings, and construction of six new crossings. At present the UPRR operates one train per day on its AH line, also known as the Placerville Branch. Upon the project completion, the District will have 266 daily light rail movements. Seven of the crossings will provide access across the UPRR track to the District's light rail stations. One crossing will provide pedestrian access across the UPRR and District tracks to Coloma Road.

Each light rail station requires two pedestrian entrances in order to provide proper access for those with disabilities. The crossing locations are chosen by recognizing observed trends of pedestrian access and working to provide a safe crossing where pedestrians normally cross. The Coloma crossing is the only crossing which does not currently lead to a light rail station. In the future one is planned to be built, but budget constraints limit the number of stations at this time. The Coloma crossing is a recognized route that pedestrians use. In approving this area, the District, as directed by the County Board of Supervisors, wants to provide a safe access along this recognized route for pedestrians, and set up access for the future light rail station. As the Coloma crossing will cross both freight and light rail tracks, in addition to the active warning devices several other safety measures will be used. These include the use of swing gates, detectable warning tiles, red striping the warning zone areas crossing the tracks, fencing, a strip with the words "Do Not Stop On Tracks" on each side of the freight and light rail tracks, and angling the approaches to the

light rail tracks to direct the pedestrians view in the direction of approaching trains.

The District anticipates that the project will be financed by State and Federal funds. The District and UPRR are in agreement as to the work to be performed and the apportionment of costs. The costs will be apportioned in accordance with the 'Shared Use Agreement' as submitted with the Application. The project is scheduled for completion in 2003.

The District is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On March 15, 2000, in compliance with CEQA, the District filed its Notice of Determination (NOD) approving the Downtown Sacramento - Folsom Corridor Project (DSFCP), the scope of which includes these crossings, stating that the DSFCP will have a significant effect on the environment. Mitigation measures were made a condition of approval of the DSFCP.

The CPUC is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the CPUC consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The CPUC has reviewed the District's environmental documentation identified below and finds these documents adequate for our decision-making purposes. These crossings are part of a larger project to extend light rail service to the City of Folsom and are considered in the DSFCP's larger environmental

documentation. The environmental documentation for the DSFCP consists of a Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), and a NOD. Analysis of potential environmental impacts included: air quality, noise and vibration, visual changes, safety and security, cultural resources, neighborhoods/businesses, geology and soils, hazardous wastes/materials, water resources/quality, utilities, job creation, vegetation and wildlife, land use, seismicity, and transportation and traffic.

Safety, security, transportation and noise are within the scope of the CPUC's permitting process.

Safety and security impacts were identified in the FEIS/EIR. The impacts are related to the addition of the District's facilities, where safety and security will be required. The adopted mitigation measures include the District extending contract security services to include coverage of park-and-ride lots, stations, and maintenance facilities, and an increase to the existing District law enforcement staff. The District will also monitor impacts at major arterial grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues.

Noise impacts were identified in the FEIS/EIR. The impacts identified related to light rail vehicle, power substation, and grade crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, sound-insulating affected residences, modifying train operating procedures, and reducing, to the extent possible, the noise emissions of light rail vehicles through shielding, reprofiling of wheels and other measures.

Transportation and traffic impacts were identified in the FEIS/EIR. The impacts involve the relocation of a bikepath in the City of Folsom, and reduced level of service at several intersections. The adopted mitigation measures

include the City of Folsom relocating its bike path, and use of near-side grade crossing indicators where at grade highway-rail crossings are adjacent to light rail stations. This will minimize the amount of time the gates are down when trains must stop to load and unload passengers before crossing the roadway. For all but one of the intersections affected, it was determined that the intersections are at their ultimate configuration and no improvements are proposed. For the remaining intersection, mitigation measures include striping to provide a left-turn lane, and a shared right-turn lane.

The CPUC's Consumer Protection and Safety Division (CPSD), Rail Crossings Engineering Section (RCES) staff inspected each location within the proposed project. RCES reviewed the need for and safety of each crossing, particularly examining the following factors. These crossings are for pedestrians only, and the occasional use of the District's maintenance vehicles. The freight train travels at very slow speed with only six trains per week. Where pedestrians cross both freight and the light rail tracks, which operate at higher speeds and greater frequency, additional safety measures are proposed. The crossings generally have straight approaches and good visibility and sight lines. All crossings will have active warning devices. Finally, the District has agreed to all the signal safety protections recommended.

Therefore, RCES finds that the railroad warning devices, and other safety measures will provide adequate safety. Based on the District's assessments and RCES's diagnostic review of each crossing, grade separating these crossings is not necessary at this time.

The CPUC's CPSD, RCES inspected the site of the proposed project. RCES examined the need for and safety of the proposed crossings and recommends

that the requested authority sought by the Department be granted for a period of three years.

With respect to the potentially significant safety and security, noise and transportation impacts identified above, the CPUC finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Application 01-12-045 meets the filing requirements of the CPUC's Rules of Practice and Procedure, including Rule 38 and 39, which relates to the construction of a public road across a railroad track, and the widening or relocation of an existing crossing.

The District filed an amendment to this application on August 15, 2002. The amendment was published on the Commission's Daily Calendar on August 21, 2002. The amendment consists of adding several specific data notes, and submitting revised plans.

In Resolution ALJ 176-3079 dated January 9, 2002, the CPUC preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3079.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the CPUC Daily Calendar on January 4, 2002, and notice of the amended application was published on August 21, 2002. No protests have been filed.

2. The District requests authority, under Public Utilities Code Sections 1201-1205, to construct, modify, and maintain eight crossings across the UPRR track.

3. The District filed an amendment to this application on August 15, 2002, which added several specific data notes, and submitted revised plans.

4. The District will modify the UPRR crossings at: Power Inn Pedestrian Crossing #1 (1AH-95.46-D), and Power Inn Pedestrian Crossing #2 (1AH 95.50 D).

5. The District will construct the UPRR crossings at: Coloma Pedestrian Crossing (milepost 102.00), Zinfandel Pedestrian Crossing #1 (milepost 102.80), Zinfandel Pedestrian Crossing #2 (milepost 103.00), Cordova Town Center Pedestrian Crossing #1 (milepost 103.18), Cordova Town Center Pedestrian Crossing #2 (milepost 103.24), and the Sunrise Pedestrian crossing (milepost 104.20).

6. The District crossing will construct their crossing at Coloma Pedestrian Crossing (milepost 12.20).

7. Public convenience, safety, and necessity require the modification, or construction of subject crossings.

8. Public safety requires that the crossings be equipped with warning devices as summarized in Appendix A of this decision, in accordance with GO 75-C.

9. The District is the lead agency for this project under the CEQA, as amended.

10. The CPUC is a responsible agency for this project, and has reviewed and considered the District's environmental documentation upon which the District relied in adopting mitigation measures for the project. We find these documents adequate for our decision-making purposes.

11. On March 15, 2000, the District filed its NOD approving the DSFCP and found that the DSFCP would have a significant effect on the environment.

12. Safety, security, transportation and noise are within the scope of the CPUC's permitting process.

13. The CPUC finds that for each potentially significant impact related to safety and security, transportation, or noise, the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Sacramento Regional Transit District (District) is authorized to construct, modify, and maintain eight at grade pedestrian-rail crossings (crossings) of the Union Pacific Railroad's (UPRR) track, at the locations and as shown on the plans attached to the amended application, and delineated in the appendices of this decision.

2. The crossings shall be identified as described in Appendix A of this decision.

3. The District shall install warning devices at the crossings per Appendix A of this decision and as shown on the plans attached to the amended application.

The crossings shall be constructed in accordance with the California Public Utilities Commission (CPUC) General Order (GO) 75-C.

4. Clearances shall be in accordance with GO 26-D.

5. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

6. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the District and UPRR (parties). The District shall file with the Rail Crossing Engineering Section (RCES) of Consumer Protection and Safety Division (CPSD) prior to construction. Should the parties fail to agree, the CPUC will apportion the costs of construction and maintenance by further order.

7. Prior to construction, the District shall file with the RCES of CPSD final construction plans, approved by UPRR.

8. Within 30 days after completion of the work under this order, the District shall notify the RCES of CPSD in writing, by submitting a completed standard CPUC Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

9. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. This application is granted as set forth above.

11. Application 01-12-045 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

SUMMARY OF CROSSING MODIFICATION

Street Name and CPUC Crossing No.	Existing Warning Devicesⁱ	Proposed Warning Devices	Track(s)	Work Summary
Power Inn Pedestrian Crossing #1 1AH-95.46-D	2 x Std 8	2 x Std 8	1 FREIGHT	Modify Crossing
Power Inn Pedestrian Crossing #2 1AH-95.50-D	2 x Std 8	2 x Std 8	1 FREIGHT	Modify Crossing
Coloma Pedestrian Crossing 1AH-102.00-D 83E-12.20-D	none	2 x Std 8	1 FREIGHT 2 LRT	Construct New Crossing
Zinfandel Pedestrian Crossing #1 1AH-102.80-D	none	2 x Std 8	1 FREIGHT	Construct New Crossing

SUMMARY OF CROSSING MODIFICATIONS

Street Name and CPUC Crossing No.	Existing Warning Devices	Proposed Warning Devices	Track(s)	Work Summary
Zinfandel Pedestrian Crossing #2 1AH-103.00-D	none	2 x Std 8	1 FREIGHT	Construct New Crossing
Cordova Town Center Pedestrian Crossing #1 1AH-103.18-D	none	2 x Std 8	1 FREIGHT	Construct New Crossing
Cordova Town Center Pedestrian Crossing #2 1AH-103.24-D	none	2 x Std 8	1 FREIGHT	Construct New Crossing
Sunrise Pedestrian Crossing 1AH-104.20-D	none	2 x Std 8	1 FREIGHT	Construct New Crossing

ⁱ Unless otherwise noted, all Standards (Std) refer to the CPUC General Order No. 75-C.

PROJECT VICINITY

